

AMENDED IN SENATE MAY 27, 2005  
AMENDED IN SENATE MAY 10, 2005  
AMENDED IN SENATE APRIL 11, 2005  
AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 711**

**Introduced by Senator Dutton**

February 22, 2005

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An act to amend Sections 38131, 38133, and 38134 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 711, as amended, Dutton. School facilities: civic centers.

Existing law, the Civic Center Act, authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center for specified purposes, including, among others, the conduct of religious services by any church or religious organization, on the condition that the use is temporary and that the church or religious organization has no suitable meeting place. Existing law also requires a governing board to charge a fee, as specified, for the use of its school facilities for the conduct of religious services by a church or religious organization. Existing law allows a school district to charge a fee, as specified, for the use of its school facilities for all of the other specified purposes.

This bill would remove those conditions and delete the requirement that a fee be charged to a church or religious organization for the use of the facilities or grounds to conduct religious services. *The bill would require the governing board of a school district that grants the use of school facilities or grounds as a civic center to promulgate*

*rules and regulations providing for the review of an objection to a decision regarding competing applications for the use of school facilities or grounds.*

Existing law requires the governing board of a school district to promulgate rules and regulations regarding the management, direction, and control of school facilities, as specified.

~~This bill would also require the governing board of a school district to promulgate rules and regulations providing for the review of an objection to a decision regarding competing applications for the use of school facilities or grounds, as specified, thus creating a state-mandated local program. The bill would restrict the use of signage identifying an event or group that uses the school facilities, as specified. The bill would require that an advertisement or notice of the use include the name of the school and a statement that the use is not sponsored or endorsed by, or affiliated with, the school district.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 38131 of the Education Code is  
 2 amended to read:  
 3 38131. (a) There is a civic center at each and every public  
 4 school facility and grounds within the state where the citizens,  
 5 parent-teachers' associations, Camp Fire girls, Boy Scout troops,  
 6 farmers' organizations, school-community advisory councils,  
 7 senior citizens' organizations, clubs, and associations formed for  
 8 recreational, educational, political, economic, artistic, or moral  
 9 activities of the public school districts may engage in supervised  
 10 recreational activities, and where they may meet and discuss,  
 11 from time to time, as they may desire, any subjects and questions  
 12 which in their judgment pertain to the educational, political,

1 economic, artistic, and moral interests of the citizens of the  
2 communities in which they reside.

3 (b) ~~(1)~~ The governing board of ~~any~~ a school district may grant  
4 the use of school facilities or grounds as a civic center upon the  
5 terms and conditions the board deems proper, subject to the  
6 limitations, requirements, and restrictions set forth in this article,  
7 for any of the following purposes:

8 ~~(1)–~~

9 (A) Public, literary, scientific, recreational, educational, or  
10 public agency meetings.

11 ~~(2)–~~

12 (B) The discussion of matters of general or public interest.

13 ~~(3)–~~

14 (C) The conduct of religious services.

15 ~~(4)–~~

16 (D) Child care or day care programs to provide supervision  
17 and activities for children of preschool and elementary  
18 schoolage.

19 ~~(5)–~~

20 (E) The administration of examinations for the selection of  
21 personnel or the instruction of precinct board members by public  
22 agencies.

23 ~~(6)–~~

24 (F) Supervised recreational activities including, but not limited  
25 to, sports league activities for youths that are arranged for and  
26 supervised by entities if the youths may participate regardless of  
27 religious belief or denomination.

28 ~~(7)–~~

29 (G) A community youth center.

30 ~~(8)–~~

31 (H) Other purposes deemed appropriate by the governing  
32 board.

33 (2) *The governing board of a school district that grants the*  
34 *use of school facilities or grounds as a civic center pursuant to*  
35 *this subdivision shall promulgate all rules and regulations*  
36 *necessary to provide for the prompt review of an objection to a*  
37 *decision regarding competing applications for the use of school*  
38 *facilities or grounds. The review shall occur at the next open*  
39 *meeting of the governing board after receipt of the objection. A*  
40 *review shall include a consideration of whether alternative*

1 *school facilities or grounds are available to accommodate each*  
2 *competing application. If alternative school facilities or grounds*  
3 *are not available, the governing board shall prohibit domination*  
4 *or entrenchment by a particular use.*

5 SEC. 2. Section 38133 of the Education Code is amended to  
6 read:

7 38133. (a) The management, direction, and control of school  
8 facilities under this article are vested in the governing board of  
9 the school district. The governing board shall promulgate all  
10 rules and regulations necessary to provide, at a minimum, for all  
11 of the following:

12  
13 (1) Technical or logistical assistance to any of the activities  
14 authorized in Sections 38131 and 38134.

15 (2) Preservation of order in school facilities and on school  
16 grounds, and protection of school facilities and school grounds,  
17 including, if the governing board deems necessary, appointment  
18 of a person who shall have charge of the school facilities and  
19 grounds for purposes of their preservation and protection.

20 (3) The use of school facilities or grounds in a manner that is  
21 not inconsistent with the use of the school facilities or grounds  
22 for school purposes or interferes with the regular conduct of  
23 schoolwork.

24 ~~(4) The review of an objection to a decision regarding~~  
25 ~~competing applications for the use of school facilities or grounds~~  
26 ~~pursuant to this article. The review shall occur at the next open~~  
27 ~~meeting of the governing board after receipt of the objection. A~~  
28 ~~review shall include a consideration of whether alternative school~~  
29 ~~facilities or grounds are available to accommodate each~~  
30 ~~competing application. If alternative school facilities or grounds~~  
31 ~~are not available, the governing board shall prohibit domination~~  
32 ~~or entrenchment by a particular use.~~

33 (b) Signage or any other material identifying an event or group  
34 that uses school facilities or grounds pursuant to this article shall  
35 not obscure signage identifying the school. Signage may only be  
36 placed on school property if it is placed in a location reserved by  
37 the school for public notices that is available for use by the  
38 public.

39 (c) An advertisement or notice of the use of school facilities or  
40 grounds pursuant to this article that is provided to the public shall

1 include the name of the school and a statement that the use is not  
2 sponsored or endorsed by, or affiliated with, the school district.

3 SEC. 3. Section 38134 of the Education Code is amended to  
4 read:

5 38134. (a) (1) The governing board of any school district  
6 shall authorize the use of any school facilities or grounds under  
7 its control, if an alternative location is not available, to nonprofit  
8 organizations, and clubs or associations organized to promote  
9 youth and school activities, including all of the following:

10 (A) Girl Scouts; Boy Scouts; and Camp Fire, Inc.

11 (B) Parent-teachers' associations.

12 (C) School-community advisory councils.

13 (2) This subdivision does not apply to a group that uses school  
14 facilities or grounds for fundraising activities that are not  
15 beneficial to youth or public school activities of the school  
16 district, as determined by the governing board.

17 (b) Except as otherwise provided by law, the governing board  
18 may charge an amount not to exceed its direct costs for use of its  
19 school facilities. A governing board that decides to levy these  
20 charges shall first adopt a policy specifying which activities shall  
21 be charged an amount not to exceed direct costs.

22 (c) The governing board of any school district may charge an  
23 amount not to exceed its direct costs for use of its school  
24 facilities by any entity that arranges for and supervises sports  
25 league activities for youths as described in paragraph (6) of  
26 subdivision (b) of Section 38131.

27 (d) In the case of entertainments or meetings where admission  
28 fees are charged or contributions are solicited and the net receipts  
29 are not expended for the welfare of the pupils of the school  
30 district or for charitable purposes, a charge equal to fair rental  
31 value shall be levied for the use of school facilities or grounds.

32 (e) If a group activity results in the destruction of school  
33 property, the group may be charged for an amount necessary to  
34 repay the damages, and further use of facilities may be denied.

35 (f) As used in this section, "direct costs" to the school district  
36 for the use of school facilities or grounds means those costs of  
37 supplies, utilities, janitorial services, services of school district  
38 employees, and salaries paid school district employees  
39 necessitated by the use of the school facilities and grounds of the  
40 school district by the group.

1 (g) As used in this section, “fair rental value” means the direct  
2 costs to the school district, plus the amortized costs of the school  
3 facilities or grounds used for the duration of the activity  
4 authorized.

5 (h) A school district authorizing the use of school facilities or  
6 grounds under subdivision (a) is liable for injuries resulting from  
7 the negligence of the school district in the ownership and  
8 maintenance of those facilities or grounds. An entity using school  
9 facilities or grounds under subdivision (a) is liable for any  
10 injuries resulting from the negligence of that entity during the use  
11 of those facilities or grounds. The school district and the entity  
12 shall each bear the cost of insuring against its respective risks and  
13 shall each bear the costs of defending itself against claims arising  
14 from those risks. Notwithstanding any other provision of law,  
15 this subdivision shall not be waived. This subdivision does not  
16 limit or affect the immunity or liability of a school district under  
17 Division 3.6 (commencing with Section 810) of Title 1 of the  
18 Government Code, for injuries caused by a dangerous condition  
19 of public property.

20 ~~SEC. 4. If the Commission on State Mandates determines that~~  
21 ~~this act contains costs mandated by the state, reimbursement to~~  
22 ~~local agencies and school districts for those costs shall be made~~  
23 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
24 ~~4 of Title 2 of the Government Code.~~